

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

PETER RAFAEL DZIBINSKI DEBBINS,)	
)	
Petitioner,)	
)	Criminal Case No. 1:20-cr-193
v.)	Civil Action No. 1:22-cv-991
)	
UNITED STATES OF AMERICA,)	The Honorable Claude M. Hilton
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME

The defendant, Peter Rafael Dzibinski Debbins, has filed a motion under 28 U.S.C. § 2255 to set aside his conviction. Under the current scheduling order, the government's response is due on September 30, 2022. Pursuant to Federal Rule of Criminal Procedure 45(b), the government respectfully requests a 45-day extension to file its response.

On August 20, 2020, a grand jury in the Eastern District of Virginia returned an indictment charging Debbins with one count of conspiring to communicate U.S. national defense information to agents of a foreign government, in violation of Title 18, U.S. Code, Section 794(a), (c). *See* Indictment (Aug. 20, 2020) (Dkt. No. 1). Almost three months later, on November 18, 2020, Debbins pleaded guilty to the charged espionage conspiracy. *See* Minute Entry (Nov. 18, 2020) (Dkt. No. 33); Plea Agreement (Nov. 18, 2020) (Dkt. No. 34). On May 14, 2021, the Court sentenced Debbins to 188 months of imprisonment. *See* Judgment (May 17, 2021) (Dkt. No. 63). Less than two weeks after being sentenced, Debbins filed two pleadings pro se—a motion to withdraw his guilty plea and a notice of appeal (despite the appellate waiver in his plea agreement). *See* Def.'s Withdrawal of Guilty Plea (May 26, 2021) (Dkt. No. 66);

Def.'s Notice of Appeal (May 26, 2021) (Dkt. No. 67). Soon thereafter, Debbins, through his counsel, moved to withdraw both pleadings. *See* Def.'s Mot. to Withdraw Def.'s Notice to Withdraw Plea of Guilty (May 28, 2021) (Dkt. No. 71); Unopposed Mot. to Dismiss Case Voluntarily, *United States v. Debbins*, No. 21-4260 (4th Cir. June 8, 2021) (Dkt. No. 6).

In August 2022, more than a year after he dismissed his direct appeal, Debbins filed the pending § 2255 motion pro se. *See* Mot. Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence (Aug. 25, 2022) (Dkt. No. 90). To support the motion, Debbins submitted a nineteen-page, single-spaced, handwritten memorandum alleging multiple grounds for relief. On September 7, 2022, the Court ordered the government to respond within 23 days. *See* Order (Sept. 7, 2022) (Dkt. No. 92).

There is good cause for extending the government's time to respond to the § 2255 motion. In his § 2255 motion, Debbins makes various claims related to his mental health—for example, that his counsel was ineffective by failing to ensure that he was competent to plead guilty and that his admissions to law enforcement during the investigation were the product of delusions from which he was suffering. To assist in responding to Debbins's arguments, the government has contacted the court reporter to order the preparation of a copy of the transcript from Debbins's sentencing hearing, where he put his mental health at issue and made statements to the Court during his allocution. The government needs more time to obtain and review the transcript, and then prepare its response in light thereof.

In addition, the undersigned attorney needs additional time to prepare a response due to recent demands presented by other cases and investigations for which he is responsible. For example, the undersigned is the lead attorney in three ongoing cases that are in the pretrial phase. The undersigned has needed to devote time to proceedings and producing discovery in those

cases. Additional time would assist the government in preparing a thorough response to Debbins's multiple claims for relief.

For the foregoing reason, the government respectfully requests that the Court extend its time to respond to Debbins's motion by 45 days, making its response due on November 14, 2022.

Dated: September 26, 2022

Respectfully submitted,

Jessica D. Aber
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. And I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

PETER RAFAEL DZIBINSKI DEBBINS (05852-509)
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_____/s/_____
Thomas W. Traxler
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